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**From:** Costanzi, Frances [Costanzi.Frances@epa.gov]  
**Sent:** 5/28/2020 6:26:30 PM  
**To:** Aviles, Jesse [Aviles.Jesse@epa.gov]; Braun, Richard [Braun.Richard@epa.gov]; Guerra, Valeria [Guerra.Valeria@epa.gov]; Wharton, Steve [Wharton.Steve@epa.gov]  
**CC:** Urdiales, Aaron [Urdiales.Aaron@epa.gov]; Poetter, Joe [poetter.joe@epa.gov]  
**Subject:** RE: Initial comments on draft SOW for VB/I-70 OU2 and OU3

Jesse, if you can't figure out if you need certain work, you can't expect a contractor to decide for you. This will also potentially lead to very different responses back from the contractors. It's up to us to determine what we need the contractor to respond to and give them the information needed so they can respond.

Even though I understand the various tasks, including the oversight task 7, other components of what you wrote were confusing. For example, you specifically have the contractor submitting documents for OU2 (Deliverables OU2) that are not oversight documents but are document covered in sections other than Section 7.

There are many more details that I don't understand, so I'm not sure the fix is as easy as Rich thinks. Example: Why does a contractor need 7 months to submit a simple H&S plan for oversight? If they don't have the H&S plan in place, we shouldn't even allow them to access the site, arguably.

Again, I'm happy to discuss.

Fran

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**From:** Aviles, Jesse <Aviles.Jesse@epa.gov>  
**Sent:** Thursday, May 28, 2020 12:13 PM  
**To:** Braun, Richard <Braun.Richard@epa.gov>; Costanzi, Frances <Costanzi.Frances@epa.gov>; Guerra, Valeria <Guerra.Valeria@epa.gov>; Wharton, Steve <Wharton.Steve@epa.gov>  
**Cc:** Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Poetter, Joe <poetter.joe@epa.gov>  
**Subject:** RE: Initial comments on draft SOW for VB/I-70 OU2 and OU3

I went through Fran's comments. I'll respond to them in the document. A couple of things as you review the document:

- The sections describe the work needed. At the end of the section I break the effort for each OU. If there is something specific to the OU, it'll be in that area.
- Some of the sections in there we could not figure out if they are needed or not. An example is Greener Cleanups.
- Other sections I view them as not needing a breakdown in effort as they are descriptive. The example is Data Management and Evaluation.
- OU2 is PRP lead. We will be doing oversight. That's section 7. OU3 is fund lead. That excludes section 7.
- I'll move the documents to Sharepoint.

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**From:** Braun, Richard <[Braun.Richard@epa.gov](mailto:Braun.Richard@epa.gov)>

**Sent:** Thursday, May 28, 2020 11:58

**To:** Costanzi, Frances <[Costanzi.Frances@epa.gov](mailto:Costanzi.Frances@epa.gov)>; Guerra, Valeria <[Guerra.Valeria@epa.gov](mailto:Guerra.Valeria@epa.gov)>; Aviles, Jesse <[Aviles.Jesse@epa.gov](mailto:Aviles.Jesse@epa.gov)>; Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>

**Cc:** Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>; Poetter, Joe <[poetter.joe@epa.gov](mailto:poetter.joe@epa.gov)>

**Subject:** RE: Initial comments on draft SOW for VB/I-70 OU2 and OU3

Hi All,

I think the confusion about what work applies to OU2 versus OU3 is a fairly easy fix. In other SOWs we have been putting a section near the beginning that lists each task that will be performed in each OU. The Bid Schedule will also communicate that information to the vendors.

We haven't been including hourly estimates in the SOW for fixed price tasks – only for cost reimbursement tasks (CR). Contracting has recently, on other projects, indicated that all hourly estimates should be taken out of the SOW and put in IGE instead. For CR tasks, these hourly estimates will be provided to the vendor in the bid schedule.

As far as including both OUs in the same TO, the pros and cons were discussed early on and the decision was made include both.

Jesse,

When you're ready, let's schedule a meeting with Fran to address her concerns.

Richard Braun  
Project Officer  
EPA, Region 8  
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[Braun.richard@epa.gov](mailto:Braun.richard@epa.gov)

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**From:** Costanzi, Frances <[Costanzi.Frances@epa.gov](mailto:Costanzi.Frances@epa.gov)>

**Sent:** Thursday, May 28, 2020 11:29 AM

**To:** Guerra, Valeria <[Guerra.Valeria@epa.gov](mailto:Guerra.Valeria@epa.gov)>; Aviles, Jesse <[Aviles.Jesse@epa.gov](mailto:Aviles.Jesse@epa.gov)>; Braun, Richard <[Braun.Richard@epa.gov](mailto:Braun.Richard@epa.gov)>; Wharton, Steve <[Wharton.Steve@epa.gov](mailto:Wharton.Steve@epa.gov)>

**Cc:** Urdiales, Aaron <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>; Poetter, Joe <[poetter.joe@epa.gov](mailto:poetter.joe@epa.gov)>

**Subject:** RE: Initial comments on draft SOW for VB/I-70 OU2 and OU3

Thanks, Jasmin!

There are other options that management may want to consider.

Again, Jesse and Rich, if I have totally misunderstood a critical component, I apologize, and it may be it is an easier fix that I indicated.

It could be if one OU is more time critical for some reason, we break that OU off on it's own and just do the TO with the one. I'm not sure if it is less work in the short time (it is more in the long-term), but it would cut down on the confusion I saw with both being in the same SOW and be more streamlined. I'm not sure, though, if OU2 should go to DES on it's own. It seems more ESO unless we think a work takeover is likely. Again, I couldn't tell from the SOW how complicated and extensive the final RI/FS will be.

I do think both OUs CAN be in the same SOW, but as written it was confusing to read and understand what section applied to what OU and how, especially if the costs need to be tracked separately.

Also missing is the timeframe for the AOC negotiations (If they haven't already occurred), which would impact whether this needs to be in place by September.

Fran

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**From:** Guerra, Valeria <Guerra.Valeria@epa.gov>

**Sent:** Thursday, May 28, 2020 11:18 AM

**To:** Costanzi, Frances <Costanzi.Frances@epa.gov>; Aviles, Jesse <Aviles.Jesse@epa.gov>; Braun, Richard <Braun.Richard@epa.gov>; Wharton, Steve <Wharton.Steve@epa.gov>

**Cc:** Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Poetter, Joe <poetter.joe@epa.gov>

**Subject:** RE: Initial comments on draft SOW for VB/I-70 OU2 and OU3

Thanks so much Fran for all your work!

I have a few comments on the process side of things.

With the feedback I'm hearing, it sounds unlikely that this is ready for a \$OPR by tomorrow. **This is likely a question for Steve and Jesse, how critical is this project to getting funded by September 30<sup>th</sup>?** Is this a situation where we need to reconsider the timing in light of the other RAF packages and that fact that it likely going to miss the contracts PR deadline?

In the SEMD Planning Portal we set up RAF site folders that back in February we asked RPMs to start using for RAF documents. If it's not getting use for this site let's start to move over to it. This ensures that multiple offices, including contracts, Kate or Matthew, can access the files in real time.

Thanks,  
Jasmin

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**From:** Costanzi, Frances <Costanzi.Frances@epa.gov>

**Sent:** Thursday, May 28, 2020 10:55 AM

**To:** Aviles, Jesse <Aviles.Jesse@epa.gov>; Braun, Richard <Braun.Richard@epa.gov>; Wharton, Steve <Wharton.Steve@epa.gov>

**Cc:** Guerra, Valeria <Guerra.Valeria@epa.gov>; Urdiales, Aaron <Urdiales.Aaron@epa.gov>; Poetter, Joe <poetter.joe@epa.gov>

**Subject:** Initial comments on draft SOW for VB/I-70 OU2 and OU3

Hi all. So I am attaching my comments on the draft DES SOW for VB/I-70 OU2 and OU3. I discussed the current thinking on the site strategy approach for these OUs with Steve Wharton late on 5/27 so I understood the current discussions and that there hadn't been significant changes from the last time I spoke with Jesse and Steve. I drafted my comments this morning quickly in light of the timeframes to get the document to contracts, but I would say this needs substantial re-write. Perhaps I have totally misunderstood something and am certainly open to the team explaining why I have misunderstood. I am available to discuss these comments and my calendar is current. I'm scheduled off on Friday, but am also willing to meet then.

I am copying Jesse and Rich, as well as Steve, as Steve requested. Because of the timing of the deadline for contracts and because this is the first SOW I have reviewed in my new position, I am also copying Jasmin, Aaron and Joe P. Managers – please advise if you have suggestions for me relative to my new detail.

I saved this draft SOW to my computer since I don't know if everyone has access to Jesse's personal OneDrive. I'd like to suggest that this is not the best way to set up these documents. I and others will have a very hard time working with these if we have to keep track of individual invites from each RPM to their special document locations. Steve indicated

he may not have access to these documents on Jesse's OneDrive, so I downloaded the SOW to my laptop and am attaching that copy here.

I did not review any of the other documents Jesse provided since my comments on the SOW were so extensive.

My understanding from Steve is the RP (City and County of Denver) will be conducting the OU2 work under enforcement agreements and they are well aware of the time involved to put such agreements in place. Steve indicated the RP decided they would prefer a ROD and all that involves than conduct this work under a more speedy removal option. We cannot pre-select what work the RP will do, but need to develop the focused RI (using existing data) and FFS for the iROD. And then do a final RI/FS and ROD. There are multiple references to what work the RP has proposed as if a ROD has already been signed and I think this is ill-advised. I suggest referring to the likely or anticipated work as a relatively simple excavation and backfill so the contractor has an idea of the scope. I am unclear and can't tell from the SOW how extensive the final RI/FS will be. DO we anticipate it will essentially be an IC-only ROD or something much more involved? Sometimes there are references to treatability studies, but I can't tell if this should only apply to OU3 or you anticipate needing treatability studies for both OUs.

I can't tell if Jesse and the team will need support from the contractor developing the RD/RA Consent Decree SOW and/or support in the CD negotiations, or even their participation will be needed in those negotiations. The lengthy timeframe that a CD often takes does not appear to be reflected. I'm not clear if we already had an AOC in place. If so, it should be referred to, including timeframes. If not, does Jesse need support for these negotiations and SOW?

I also can't tell about the funding and if it is necessary for the contractor to carefully track their costs between the 2 OUs differently and separately. This is often very important if one is fund-lead and the other is special account or enforcement lead. Sometimes the work seems combined, such as the kick off meeting. I'm thinking the 2 OUs are quite different and I suggest drawing a bright line between the two OUs. You may have additional information that makes this unnecessary.

I also can't tell if you want options to take over all or part of the work in case the RP provides poor work products.

The submittal timeframes are very lengthy and confusing (see my comments in the document). I also some of the assumed hours for tasks seem unsubstantiated. Again, please see my comments.

There are also sections that are just there, without hours assumed. Should we deleted these, as was done with the FYR? OR did you not know how to assign hours.

Again, please excuse this quick review, but I wanted to get something to you as quickly as I could now that I have started the detail.

Fran

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